

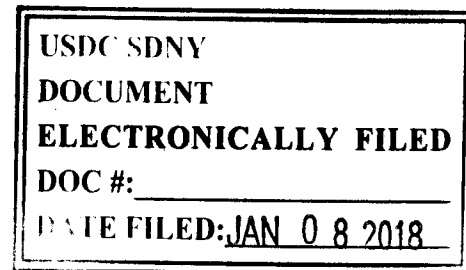
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January 8, 2018

BY EMAIL

Honorable Katherine B. Forrest, Part I  
United States District Court  
Southern District of New York  
500 Pearl Street, Room 2230  
New York, NY 10007



***U.S.A. v. Cheikh Gadio, 17 Mag. 8611***

Hon. Judge Forrest:

We write with the consent of the Government and Pretrial Services to request an order modifying bail conditions that restrict my client, Dr. Cheikh Gadio, from leaving his home, including for travel to meet with his counsel. These conditions impede our ability to meet in a timely and efficient manner with our client and create additional legal costs for my client who must seek court approval for every legal visit.

I. Procedural History

At Dr. Gadio's initial appearance on November 18, 2017, Magistrate Judge Fox approved a bail package for his release including a \$1,000,000 bond signed by four financially responsible persons and secured by \$250,000 in property, home detention, electronic monitoring, travel limited to the EDNY/SDNY and the District of Maryland (where Dr. Gadio is on home detention) and the surrender of his travel documents. (Dkt. No. 9). Dr. Gadio was ordered confined until those bail conditions could be met. The Government appealed Judge Fox's ruling. The bail appeal was heard by Judge Pauley, sitting in Part I, on November 27, 2017. Following argument, Judge Pauley ordered Dr. Gadio's release on bail subject to additional conditions. Pursuant to Judge Pauley's order (Dkt. No. 13), those conditions are:

1. The defendant shall be subject to electronic monitoring and GPS monitoring as directed by Pretrial Services.
2. The defendant is to maintain a landline telephone at his residence where Pretrial Services shall contact him at varying times on a daily basis without prior notification.
3. Defendant shall be confined to his residence. He may not travel to visit his lawyers or anyone else.

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4. Defense counsel shall accompany him from his residence to all court appearances, and return him to his residence when the court appearance is completed.
5. The defendant is subject to strict supervision by Pretrial Services.
6. All other conditions previously fixed by Magistrate Judge Fox shall continue to apply.

Subsequently, we have requested on two occasions a modification of condition no. 3 with the consent of the Government and Pretrial Services to allow Dr. Gadio to travel for legal meetings, accompanied by a member of his defense team. First, on December 15, 2017, Judge Sullivan, sitting in Part I, ordered the modification to permit Dr. Gadio to travel to the Washington D.C. offices of Debevoise & Plimpton LLP on Monday, December 18, 2017. (Dkt. No. 24). Second, on December 20, 2017, Judge Sullivan ordered a modification to allow Dr. Gadio to travel to New York to meet with his defense team at Debevoise's New York offices on January 2, 2018. (Dkt. No. 32). Dr. Gadio was accompanied to and from both meetings by a member of his defense team and the monitoring officer was kept apprised of Dr. Gadio's movements (he also, of course, continued to wear the GPS bracelet). Both the December 18 and January 2 meetings proceeded without incident. To date, Dr. Gadio has been in full compliance with the conditions imposed by both Judge Fox and Judge Pauley.

II. Request for Modification

The Government and the Court have accommodated our prior requests to allow my client to travel for meetings, but each request takes time, requires a court order, and results in the imposition of additional financial costs on our client in order to make the request. In short, the condition restricting Dr. Gadio's ability to travel for meetings with his counsel expends judicial resources and consumes Dr. Gadio's resources.

Accordingly, we respectfully request that Your Honor so order the following bail modification, specifically, that condition no. 3 shall provide:

The defendant is permitted to leave his residence, accompanied by a member of the defense team, to meet with his defense team at the offices of Debevoise & Plimpton LLP in Washington, DC or New York, NY. A member of the defense team must provide to the defendant's Pretrial Services officer 24 hours' notice of any planned meeting, including the date, approximate time, location and means of transportation. The defendant shall otherwise remain confined to his home, and all other conditions remain in effect.

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Respectfully submitted,



Sean Hecker

cc: (by email)

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So ordered.



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